

This preliminary amendment is submitted just to save  
claim charges.

Respectfully submitted,  
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Enclosures:           set of marked-up claims  
                         set of clean claims

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## AMENDED CLAIMS

1. A fencing system including a plurality of pales, at least one horizontal rail, and fastening means;

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each pale including a tubular wall;

and characterised in that the tubular wall defines a generally concave or re-entrant external surface facing the rail,

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the fastening means engaging the said surface so as to fasten the pale to the rail.

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2. A fencing system according to claim 1, characterised in that the concave or re-entrant surface defines a space between the pale and the rail, and the fastening means pass through the space,

such that the fastening means draw the concave or re-entrant surface towards the rail so as to press the wall resiliently against the rail.

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3. A fencing system according to either of claims 1 or 2, characterised in that the pale includes a generally convex outer surface facing away from the rail.

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4. A fencing system according to any preceding claim, characterised in that the concave or re-entrant surface includes a flat central portion, and the fastening means engage therewith.

5. A fencing system according to any preceding claim, characterised in that the concave or re-entrant surface includes a thickened portion, and the fastening means engage therewith.

*claim 1*

6. A fencing system according to (any preceding claim), characterised in that the concave or re-entrant surface further includes a threaded hole, and the fastening means comprise a bolt or the like which engages in the threaded hole.

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*claim 3*

7. A fencing system according to (any of claims 3-8), characterised in that the pale has a generally crescent shaped hollow cross section, the cross section including rounded regions where the concave or re-entrant surface meets the convex surface, the rounded regions abutting the rail.

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*claim 1*

8. A fencing system according to (any preceding claim), characterised in that the pale includes longitudinal indentations, the indentations inducing buckling of the pale when the pale is subjected to a predetermined force, the force being less than that required to break the fastening means and so detach the pale from the rail.

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*claim 1*

9. A method of erecting a fencing system as defined in (any preceding claim), comprising fixing the rail horizontally in its intended final position, and fastening the pales to the rail.

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*claim 1*

10. A pale as defined in (any of claims 1-8).

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